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10/790,479

03/01/2004

Darrell Reginald May

85002

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06/05/2008

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EXAMINER

RAMPURIA, SHARAD K

ART UNIT

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2617

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ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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creganoa@addmg.com

***Response to Remarks***

Applicant's arguments filed on 05/16/2008 have been fully considered but they are not persuasive.

***Relating to Claims 1-2, 4-7, 9-14 and 16-23:***

The declaration filed on 05/16/2008 under 37 CFR 1.131 has been considered but is insufficient to overcome the Kuboyama et al. [US 20040186728] reference.

The evidence submitted is insufficient to establish a reduction to practice of the invention in this country or a NAFTA or WTO member country prior to the effective date of the Kuboyama et al. [US 20040186728] reference. The evidence submitted is insufficient to establish a conception of the invention, because the exhibit A has not adequate proof of inventive-materials for claimed-limitations, even though the exhibit includes the e-mail documents, but, technically, in comparison between the evidence and the present application, the affidavit doesn't show **each and every claimed limitation**. Every limitation including those in dependent claims would have to be clearly shown in the evidence, and it's very unlikely that meets this requirement. Therefore, they are not sufficiently indicated the inventive-materials for claimed-limitations.

Hence, it is believed that Kuboyama *still teaches the claimed limitations*.

In view of the fact that, Applicant doesn't provide any argument about the rejection of above reference (except the 131-issue), with the intention of that explanation, it is believed and as enlighten above, the refutation are sustained.